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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

9 MICHAEL TALASAZ, an individual,
10 Plaintiff,

11 v.

12 ROSS SILVER, an individual; DOES I
13 through X, and ROE CORPORATIONS XI
14 through XX, inclusive,

Defendants.

Case No.: 2:18-cv-00116-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

Second Request

15 Plaintiff Michael Talasaz, by and through his attorney Christopher S. Connell, Esq. of the
16 law firm of Connell Law and Defendant Ross Silver by and through his attorney of record Hector
17 J. Carbajal II, Esq. of the law firm of Carbajal Law, hereby stipulate and agree to extend certain
18 discovery deadlines as set forth herein.

19 **I. PRIOR REQUESTS FOR EXTENSIONS.**

20 The Joint Discovery Plan and Scheduling Order was entered by Magistrate Cam
21 Ferenbach on April 2, 2018. (ECF No. 14). A first extension was granted on July 31, 2018.

22 **II. THE TIMELINESS OF THIS STIPULATION.**

23 Pursuant to LR 26-4, “[a]ll motions or stipulations to extend a deadline set forth in a
24 discovery plan shall be received by the Court no later than twenty-one (21) days before the
25 expiration of the subject deadline.” The current discovery deadline is December 7, 2018. (ECF
26 No. 14). A motion to extend deadlines in the Court's scheduling order must be supported by a
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showing of “good cause” for the extension. Local Rule 26–4; *see also Johnson*, 975 F.2d at 608–09. The good cause inquiry focuses primarily on the movant's diligence. *See Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1294–95 (9th Cir.2000). Good cause to extend a discovery deadline exists, “if it cannot reasonably be met despite the diligence of the party seeking the extension.” *Johnson*, 975 F.2d at 609. Further, the Court has broad discretion in supervising the pretrial phase of litigation. *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087 (9th Cir.2002).

In addition, requests to extend a discovery deadline filed less than 21 days before the expiration of that particular deadline must be supported by a showing of excusable neglect. *See* Local Rule 26–4.2. The Ninth Circuit has held that “the determination of whether neglect is excusable is an equitable one that depends on at least four factors: (1) the danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith.” *Bateman v. U.S. Postal Service*, 231 F.3d 1220, 1223–24 (9th Cir.2000) (citing *Pioneer Investment Services Co. v. Brunswick Assoc. Ltd. Partnership*, 507 U.S. 380, 395 (1993)).

Here, good cause exists for the requested minimal extension of ninety (90) days because the Plaintiff and Defendant seek to clarify certain issues with currently issued discovery and to continue out depositions until written discovery is concluded. Each party has issued and received certain written discovery, but additional requests and clarifications are appropriate in this matter due to the subject matter of the dispute. Each party agrees that ninety (90) days are sufficient to adequately collect the remaining information for this matter.

III. THE CURRENT DISCOVERY DEADLINES.

EVENT	CURRENT DEADLINE
Last date to amend pleadings and add parties	09/07/18
Last date to file interim status report	10/08/18

1	Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2)	10/08/18
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3	Last date to disclose rebuttal experts	11/07/18
4	Last date to complete discovery	12/07/18
5	Last date to file dispositive motions	01/5/19
6	Last date to file joint pretrial order	2/04/19

7 **IV. DISCOVERY THAT HAS BEEN CONDUCTED.**

8 To date, the Parties have served and are responding to written discovery and produced
9 documents pursuant to FRCP 26. There are Depositions scheduled for November 30, 2018 and
10 December 3, 2018 that will be re-noticed by the parties.
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12 **V. REMAINING DISCOVERY TO COMPLETE.**

13 The remaining discovery to be completed consists of depositions, possible additional
14 written discovery and third-party discovery. The third-party discovery will relate to bank records,
15 e-mail and call/text records, casino gaming records and casino guest/stay records of Plaintiff.
16 The parties also intend to conduct additional third-party discovery which necessitates the
17 lengthening of the time permitted for discovery in this matter. Given the need to conduct this
18 additional discovery, good cause exists for extending the discovery deadlines to accommodate
19 this additional discovery. The parties have included deadlines for the amendment of pleading or
20 adding of parties and for expert discovery. While it is not currently anticipated that amendment
21 will be sought or expert discovery conducted, the parties wish to keep those deadlines open in
22 the event that need for those matters arises as a result of the ongoing discovery of the parties.
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25 The Parties are in the process of finalizing deposition dates and have agreed to complete
26 all depositions by the deadline set forth in this Stipulation and Order.
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VI. THE PROPOSED EXTENDED DEADLINES.

The Parties respectfully request that the deadlines for discovery, dispositive motions, and the joint pretrial order be extended as follows:

EVENT	CURRENT DEADLINE	EXTENDED DEADLINE
Last date to complete discovery	12/07/2018	03/07/19
Last date to amend pleadings or add parties	09/07/2018	12/06/2018
Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2)	10/08/2018	01/07/19
Last date to disclose rebuttal experts	11/07/18	02/05/19
Last date to file interim status report	10/08/2018	01/07/19
Last date to file dispositive motions	01/05/19	04/05/19
Last date to file joint pretrial order	02/04/19	05/06/19

DATED November 26, 2018.

DATED November 26, 2018.

/s/ Hector J. Carbajal II
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Attorneys for Defendant

/s/ Christopher S. Connell
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If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

11-27-2018

DATED: _____